

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 67th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Barry Usher, on February 26, 2021 at 8:00 AM, in Room 137
Capitol

ROLL CALL

Members Present:

Rep. Barry Usher, Chair (R)
Rep. Kathy Kelker, Vice Chair (D)
Rep. Amy Regier, Vice Chair (R)
Rep. Seth Berglee (R)
Rep. Laurie Bishop (D)
Rep. Jennifer Carlson (R)
Rep. Robert Farris-Olsen (D)
Rep. Frank Fleming (R)
Rep. Tom France (D)
Rep. Donavon Hawk (D)
Rep. Jedediah Hinkle (R)
Rep. Dennis R. Lenz (R)
Rep. Brandon Ler (R)
Rep. Bob Phalen (R)
Rep. Derek Skees (R)
Rep. Ed Stafman (D)
Rep. Mallerie Stromswold (R)
Rep. Danny Tenenbaum (D)

Members Excused:

Rep. Jane Gillette (R)

Members Absent: None

Staff Present:

Lydia Balian, Committee Secretary
Rachel Weiss, Legislative Branch
Hallie Swain, Remote Meeting Coordinator

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 617, 2/25/2021
Executive Action on: HB 345; HB 358; HB 402; HB 449; HB 479; HB 481; HB 499; HB
501; HB 519; HB 537; HB 560; HB 617; HB 565; HB 355; HB 602;
HJ 11

HEARING ON HB 617**Opening Statement by Sponsor:**

08:05:47 Rep. Brandon Ler (R), HD 35, opened the hearing on HB 617, Revising assault laws.

Proponents' Testimony:

08:07:03 Alan Doane, Montana Department of Justice (DOJ)

Opponents' Testimony: None**Informational Testimony:** None**Questions from Committee Members and Responses:**

08:08:11 Vice Chair Kelker
08:09:40 Rep. Ler
08:09:51 Rep. Berglee
08:11:12 Rep. Ler
08:11:44 Rep. Carlson
08:12:11 Rep. Gillette joined the meeting.
08:14:24 Rep. Ler
08:14:39 Rep. J. Hinkle
08:16:10 Alan Doane, DOJ
08:17:19 Rep. J. Hinkle
08:17:41 Rep. Ler
08:17:55 Rep. Skees
08:19:28 Alan Doane, DOJ
08:20:36 Rep. Hawk
08:21:20 Rep. Ler

Closing by Sponsor:

08:21:44 Rep. Ler

08:22:40 Recess
08:49:45 Reconvened with Rep. Skees excused

EXECUTIVE ACTION ON HB 345

08:49:50 **Motion:** Rep. A. Regier moved that **HB 345 DO PASS.**

Discussion:

08:50:08 Rachel Weiss, Legislative Services Division (LSD)

08:50:31 **Motion:** Rep. Tenenbaum moved that **HB 345 BE AMENDED.**
EXHIBIT(juh41a01)

Discussion:

08:50:44 Rachel Weiss, LSD
08:51:49 Rep. Farris-Olsen
08:52:16 Rachel Weiss, LSD

- 08:53:33 Rep. Farris-Olsen
- 08:54:06 **Vote:** Motion carried 14-5 by roll call vote with Rep. Gillette, Rep. Lenz, Rep. Ler, Rep. Phalen and Rep. Usher voting no. Rep. Skees voted by proxy.
- 08:54:57 **Motion/Vote:** Rep. A. Regier moved that **HB 345 DO PASS AS AMENDED**. Motion failed 9-10 by roll call vote with Rep. Bishop, Rep. Carlson, Rep. Farris-Olsen, Rep. France, Rep. Hawk, Rep. J. Hinkle, Rep. Kelker, Rep. Stafman and Rep. Tenenbaum voting aye. Rep. Skees voted by proxy.
- 08:56:08 **Motion/Vote:** Rep. A. Regier moved that **HB 345 BE TABLED**. Motion carried without objection.

EXECUTIVE ACTION ON HB 358

- 08:56:22 **Motion:** Rep. A. Regier moved that **HB 358 DO PASS**.
- 08:57:33 **Motion:** Rep. A. Regier moved that **HB 358 BE AMENDED**.
[EXHIBIT\(juh41a02\)](#)
- Discussion:**
- 08:57:43 Rachel Weiss, LSD
- 09:03:20 **Vote:** Motion carried unanimously by voice vote. Rep. Skees voted by proxy.
- 09:03:58 **Motion:** Rep. A. Regier moved that **HB 358 DO PASS AS AMENDED**.
- 09:04:11 **Motion:** Rep. Farris-Olsen moved that **HB 358 BE AMENDED**.
[EXHIBIT\(juh41a03\)](#)

Discussion:

- 09:06:12 Rachel Weiss, LSD
- 09:06:57 Chair Usher
- 09:07:07 **Motion:** Rep. Farris-Olsen moved to **SEGREGATE NUMBERS 4 AND 5 OF AMENDMENT HB358.1.2**.

Discussion:

- 09:07:43 Rep. Carlson
- 09:08:07 Vice Chair Kelker
- 09:08:55 Rep. Lenz
- 09:08:59 Rep. Stromswold left the meeting.
- 09:09:12 **Vote:** Motion carried unanimously by voice vote. Rep. Skees and Rep. Stromswold voted by proxy.
- 09:09:58 **Motion:** Rep. A. Regier moved that **HB 358 DO PASS AS AMENDED**.

Discussion:

- 09:10:15 Rep. Berglee

09:10:40 **Motion:** Rep. Farris-Olsen moved that **AMENDMENT HB 358.1.2 DO PASS AS SEGREGATED.**

Discussion:

09:11:28 Rep. J. Hinkle
09:11:46 Vice Chair Kelker
09:12:06 Rep. Farris-Olsen

09:12:55 **Vote:** Motion failed 8-11 by roll call vote with Rep. Bishop, Rep. Carlson, Rep. Farris-Olsen, Rep. France, Rep. Hawk, Rep. Kelker, Rep. Stafman and Rep. Tenenbaum voting aye. Rep. Skees and Rep. Stromswold voted by proxy.

09:14:08 **Vote:** Motion carried 17-2 by roll call vote with Rep. Farris-Olsen and Rep. Kelker voting no. Rep. Skees and Rep. Stromswold voted by proxy.

EXECUTIVE ACTION ON HB 402

09:15:19 **Motion:** Rep. A. Regier moved that **HB 402 DO PASS.**

Discussion:

09:16:12 Rep. Stafman

09:16:20 **Motion:** Rep. Tenenbaum moved that **HB 402 BE AMENDED.**
[EXHIBIT\(juh41a04\)](#)

Discussion:

09:17:53 Rep. Ler
09:17:57 Rep. Stromswold rejoined the meeting.
09:18:41 Rep. Carlson

09:19:28 **Vote:** Motion carried 11-8 by roll call vote with Rep. Berglee, Rep. Fleming, Rep. J. Hinkle, Rep. Lenz, Rep. Ler, Rep. Phalen, Rep. Skees and Rep. Usher voting no. Rep. Skees voted by proxy.

09:20:24 **Motion:** Rep. A. Regier moved that **HB 402 DO PASS AS AMENDED.**

09:20:37 **Motion:** Rep. Berglee moved that **HB 402 BE AMENDED.**
[EXHIBIT\(juh41a05\)](#)

Discussion:

09:21:34 Rep. J. Hinkle
09:21:50 Rep. Skees joined the meeting.

09:21:52 **Vote:** Motion carried unanimously by voice vote.

09:22:23 **Motion:** Rep. A. Regier moved that **HB 402 DO PASS AS AMENDED.**

Discussion:

09:22:33 Rep. Stafman

09:24:55 **Vote:** Motion carried 12-7 by roll call vote with Rep. Bishop, Rep. Farris-Olsen, Rep. France, Rep. Hawk, Rep. Kelker, Rep. Stafman and Rep. Tenenbaum voting no.

EXECUTIVE ACTION ON HB 449

09:25:54 **Motion:** Rep. A. Regier moved that **HB 449 DO PASS.**

09:26:46 **Motion:** Rep. A. Regier moved that **HB 449 BE AMENDED.**
[EXHIBIT\(juh41a06\)](#)

Discussion:

09:27:06 Rachel Weiss, LSD

09:27:53 Rep. Gillette left the meeting.

09:28:16 **Vote:** Motion carried 18-1 by voice vote with Rep. Tenenbaum voting no. Rep. Gillette voted by proxy.

09:28:58 **Motion/Vote:** Rep. A. Regier moved that **HB 449 DO PASS AS AMENDED.**
Motion carried 18-1 by voice vote with Rep. Tenenbaum voting no. Rep. Gillette voted by proxy.

EXECUTIVE ACTION ON HB 479

09:29:55 Rachel Weiss, LSD

09:30:12 **Motion:** Rep. A. Regier moved that **HB 479 DO PASS.**

09:30:20 **Motion:** Rep. Berglee moved that **HB 479 BE AMENDED.**
[EXHIBIT\(juh41a07\)](#)

Discussion:

09:30:54 Rachel Weiss, LSD

09:32:38 **Vote:** Motion carried unanimously by voice vote. Rep. Gillette voted by proxy.

09:33:25 **Motion/Vote:** Rep. A. Regier moved that **HB 479 DO PASS AS AMENDED.**
Motion carried 15-4 by roll call vote with Rep. Gillette, Rep. Lenz, Rep. A. Regier and Rep. Usher voting no. Rep. Gillette voted by proxy.

EXECUTIVE ACTION ON HB 481

09:34:39 **Motion:** Rep. A. Regier moved that **HB 481 DO PASS.**

Discussion:

09:34:54 Rep. France

09:36:24 Rep. Stafman

09:37:39 Rep. Ler

09:38:15 Chair Usher

09:38:51 Rep. Stafman

09:41:00 **Motion:** Rep. Berglee moved that **HB 481 BE AMENDED.**
[EXHIBIT\(juh41a08\)](#)

Discussion:

09:41:44 Rep. Ler
09:42:03 Rep. Berglee
09:42:27 Chair Usher
09:42:53 Rep. Stafman
09:43:24 Rep. Berglee

09:43:54 **Vote:** Motion carried 18-1 by voice vote with Rep. Bishop voting no. Rep. Gillette voted by proxy.

09:44:24 **Motion:** Rep. A. Regier moved that **HB 481 DO PASS AS AMENDED.**

09:44:32 **Motion:** Rep. A. Regier moved that **HB 481 BE AMENDED.**
[EXHIBIT\(juh41a09\)](#)

Discussion:

09:44:40 Rachel Weiss, LSD

09:45:14 **Vote:** Motion carried 18-1 by voice vote with Rep. Tenenbaum voting no. Rep. Gillette voted by proxy.

09:45:51 **Motion:** Rep. A. Regier moved that **HB 481 DO PASS AS AMENDED.**

Discussion:

09:46:10 Rep. Tenenbaum
09:47:29 Chair Usher
09:47:45 Rep. Tenenbaum
09:48:27 Rep. Berglee
09:50:02 Rep. Skees
09:50:44 Rep. Farris-Olsen
09:51:34 Rep. Ler

09:53:48 **Vote:** Motion carried 12-7 by roll call vote with Rep. Bishop, Rep. Farris-Olsen, Rep. France, Rep. Hawk, Rep. Kelker, Rep. Stafman and Rep. Tenenbaum voting no. Rep. Gillette voted by proxy.

EXECUTIVE ACTION ON HB 499

10:04:16 **Motion:** Rep. A. Regier moved that **HB 499 DO PASS.**

10:04:42 **Motion:** Rep. A. Regier moved that **HB 499 BE AMENDED.**
[EXHIBIT\(juh41a10\)](#)

Discussion:

10:04:53 Rachel Weiss, LSD

10:05:52 **Vote:** Motion carried unanimously by voice vote. Rep. Gillette voted by proxy.

10:06:11 **Motion/Vote:** Rep. A. Regier moved that **HB 499 DO PASS AS AMENDED**.
Motion carried unanimously by voice vote. Rep. Gillette voted by proxy.

10:06:30 Rep. Skees left the meeting.

EXECUTIVE ACTION ON HB 501

10:07:00 **Motion:** Rep. A. Regier moved that **HB 501 DO PASS**.

Discussion:

10:07:24 Rachel Weiss, LSD

10:07:44 **Motion:** Rep. A. Regier moved that **HB 501 BE AMENDED**.
[EXHIBIT\(juh41a11\)](#)

Discussion:

10:07:52 Rachel Weiss, LSD

10:08:29 Rep. Bishop

10:09:13 **Vote:** Motion carried 13-6 by roll call vote with Rep. Bishop, Rep. Farris-Olsen, Rep. France, Rep. Hawk, Rep. Stafman and Rep. Tenenbaum voting no. Rep. Gillette and Rep. Skees voted by proxy.

10:10:13 **Motion:** Rep. A. Regier moved that **HB 501 DO PASS AS AMENDED**.

Discussion:

10:10:28 Rep. Carlson

10:10:53 **Vote:** Motion carried 12-7 by roll call vote with Rep. Bishop, Rep. Farris-Olsen, Rep. France, Rep. Hawk, Rep. Kelker, Rep. Stafman and Rep. Tenenbaum voting no. Rep. Gillette and Rep. Skees voted by proxy.

EXECUTIVE ACTION ON HB 519

10:12:13 **Motion:** Rep. A. Regier moved that **HB 519 DO PASS**.

Discussion:

10:12:23 Rachel Weiss, LSD

10:12:30 Rep. Skees rejoined the meeting.

10:13:45 **Motion/Vote:** Rep. A. Regier moved that **HB 519 BE AMENDED**. Motion carried 15-4 by roll call vote with Rep. Bishop, Rep. France, Rep. Kelker and Rep. Stafman voting no. Rep. Gillette voted by proxy.

[EXHIBIT\(juh41a12\)](#)

10:14:55 **Motion:** Rep. A. Regier moved that **HB 519 DO PASS AS AMENDED**.

Discussion:

10:15:04 Rep. Stafman

10:15:44 Rachel Weiss, LSD

10:16:22 Vice Chair Kelker

10:17:04 **Vote:** Motion carried 13-6 by roll call vote with Rep. Bishop, Rep. Farris-Olsen, Rep. France, Rep. Hawk, Rep. Kelker and Rep. Stafman voting no. Rep. Gillette voted by proxy.

EXECUTIVE ACTION ON HB 537

10:18:31 **Motion:** Rep. A. Regier moved that **HB 537 DO PASS**.

Discussion:

10:18:56 Rachel Weiss, LSD

10:19:18 **Motion:** Rep. A. Regier moved that **HB 537 BE AMENDED**.
[EXHIBIT\(juh41a13\)](#)

Discussion:

10:19:32 Rachel Weiss, LSD

10:20:29 **Vote:** Motion carried 16-3 by voice vote with Rep. Farris-Olsen, Rep. France and Rep. Stafman voting no. Rep. Gillette voted by proxy.

10:21:15 **Motion/Vote:** Rep. A. Regier moved that **HB 537 DO PASS AS AMENDED**. Motion carried 12-7 by roll call vote with Rep. Bishop, Rep. Farris-Olsen, Rep. France, Rep. Hawk, Rep. Kelker, Rep. Stafman and Rep. Tenenbaum voting no. Rep. Gillette voted by proxy.

EXECUTIVE ACTION ON HB 560

10:22:22 **Motion/Vote:** Rep. A. Regier moved that **HB 560 DO PASS**. Motion carried 12-7 by roll call vote with Rep. Bishop, Rep. Farris-Olsen, Rep. France, Rep. Hawk, Rep. Kelker, Rep. Stafman and Rep. Tenenbaum voting no. Rep. Gillette voted by proxy.

EXECUTIVE ACTION ON HB 617

10:23:43 **Motion/Vote:** Rep. A. Regier moved that **HB 617 DO PASS**. Motion failed 9-10 by roll call vote with Rep. Fleming, Rep. Gillette, Rep. Hawk, Rep. J. Hinkle, Rep. Ler, Rep. Phalen, Rep. A. Regier, Rep. Skees and Rep. Tenenbaum voting aye. Rep. Gillette voted by proxy.

10:25:00 **Motion/Vote:** Rep. A. Regier moved that **HB 617 BE TABLED**. Motion carried without objection.

EXECUTIVE ACTION ON HB 565

10:25:35 **Motion:** Rep. A. Regier moved that **HB 565 DO PASS.**

Discussion:

10:25:46 Rep. Lenz
10:27:53 Vice Chair Regier

10:28:17 **Substitute Motion/Vote:** Rep. Berglee made a substitute motion that **HB 565 BE TABLED.** Substitute Motion carried 15-4 by roll call vote with Rep. Bishop, Rep. France, Rep. Hawk and Rep. Stafman voting no. Rep. Gillette voted by proxy.

EXECUTIVE ACTION ON HB 355

10:29:44 **Motion:** Rep. A. Regier moved to **RECONSIDER THE MOTION** on **HB 355.**

Discussion:

10:29:54 Rep. Stafman
10:30:16 Rachel Weiss, LSD
10:30:45 Rep. Bishop
10:31:11 Rep. Hawk
10:31:22 Rep. Ler

10:31:37 **Vote:** Motion carried 10-9 by roll call vote with Rep. Bishop, Rep. Carlson, Rep. Farris-Olsen, Rep. France, Rep. Hawk, Rep. Kelker, Rep. Stafman, Rep. Stromswold and Rep. Tenenbaum voting no. Rep. Gillette voted by proxy.

10:33:06 **Motion:** Rep. A. Regier moved that **HB 355 DO PASS.**

10:33:15 **Motion:** Rep. A. Regier moved that **HB 355 BE AMENDED.**
[EXHIBIT\(juh41a14\)](#)

Discussion:

10:33:36 Rachel Weiss, LSD

10:34:05 **Vote:** Motion carried 10-9 by roll call vote with Rep. Bishop, Rep. Carlson, Rep. Farris-Olsen, Rep. France, Rep. Hawk, Rep. Kelker, Rep. Stafman, Rep. Stromswold and Rep. Tenenbaum voting no. Rep. Gillette voted by proxy.

10:34:57 **Motion:** Rep. A. Regier moved that **HB 355 DO PASS AS AMENDED.**

Discussion:

10:35:07 Rep. Carlson
10:37:03 Rep. Tenenbaum
10:37:26 Rep. Hawk
10:37:43 Rep. Stafman

10:38:32 **Vote:** Motion carried 10-9 by roll call vote with Rep. Bishop, Rep. Carlson, Rep. Farris-Olsen, Rep. France, Rep. Hawk, Rep. Kelker, Rep. Stafman, Rep. Stromswold and Rep. Tenenbaum voting no. Rep. Gillette voted by proxy.

EXECUTIVE ACTION ON HB 602

10:39:46 **Motion/Vote:** Rep. Stromswold moved to **RECONSIDER THE MOTION** on **HB 602**. Motion carried 18-1 by roll call vote with Rep. Kelker voting no. Rep. Gillette voted by proxy.

10:41:49 **Motion:** Rep. A. Regier moved that **HB 602 DO PASS**.

10:41:58 **Motion:** Rep. Berglee moved that **HB 602 BE AMENDED**.
[EXHIBIT\(juh41a15\)](#)

Discussion:

10:43:15 Rep. Stafman

10:43:32 **Vote:** Motion carried 16-3 by roll call vote with Rep. Farris-Olsen, Rep. France and Rep. J. Hinkle voting no. Rep. Gillette voted by proxy.

10:44:24 **Motion:** Rep. A. Regier moved that **HB 602 DO PASS AS AMENDED**.

Discussion:

10:44:36 Rep. Carlson

10:45:04 **Vote:** Motion carried 17-2 by roll call vote with Rep. Fleming and Rep. Usher voting no. Rep. Gillette voted by proxy.

EXECUTIVE ACTION ON HJ 11

10:46:33 Rep. Phalen

10:47:24 Rep. Bishop

10:48:09 **Motion:** Rep. Phalen moved that **HJ 11 DO PASS**.

10:48:41 **Substitute Motion/Vote:** Rep. Hawk made a substitute motion that **HJ 11 BE TABLED**. Substitute Motion carried 14-5 by roll call vote with Rep. Berglee, Rep. J. Hinkle, Rep. Ler, Rep. Phalen and Rep. Skees voting no. Rep. Gillette voted by proxy.

10:50:49 Rep. Skees

ADJOURNMENT

Adjournment: 10:51:58

Lydia Balian, Secretary

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Additional Documents:

EXHIBIT([juh41aad.pdf](#))